

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA, *
 *
 Plaintiff, *
 *
 v. * CIVIL NO.
 *
\$20,000.00 U.S. CURRENCY, and *
 Defendant *
 *

VERIFIED COMPLAINT FOR FORFEITURE

The United States of America, by and through undersigned counsel, seeking forfeiture of the defendant \$20,000.00 U.S. CURRENCY, etc., hereinafter referred to as "defendant property," respectfully presents to the Court the following:

1. This Court has jurisdiction over this forfeiture action pursuant to 28 U.S.C. sections 1345 and 1355, and 21 U.S.C. section 881(a)(6).

2. Venue is proper in this Court pursuant to 28 U.S.C. section 1395(b).

3. On or about December 30, 2006, \$20,000.00 of the defendant property was seized from Jennifer Emily Caffrey, 26 Stockmill Road, Apartment D, Pikesville, pursuant to the execution of a Search and Seizure Warrant, in the State and District of Maryland.

4. Since seizure, the defendant property has been and presently is in the custody of the U.S. Marshal Service.

5. The defendant property constitutes proceeds traceable to the sale or exchange of controlled substances in violation of 21 U.S.C. §841, and therefore should be forfeited to the United States of America pursuant to 21 U.S.C. §881(a)(6).

6. Such forfeiture is based upon, but not limited to, the evidence outlined in the attached Declaration of Task Force Officer Maria Pena and Application and Affidavit for Search and Seizure Warrant of Detective Sean Marston, Drug Enforcement Administration.

WHEREFORE, the plaintiff prays as follows:

1. That any persons having an interest in the above-described defendant property be cited to appear herein and answer the Complaint;

2. That a Warrant in rem issue to the United States Marshal for the District of Maryland commanding him to arrest the defendant property;

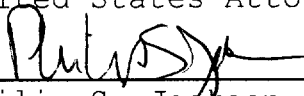
3. That Judgment of Forfeiture be decreed against the defendant property;

4. That upon Final Decree of Forfeiture, the United States Marshal dispose of the defendant property according to law;

5. That the plaintiff have such other and further relief as the case may require.

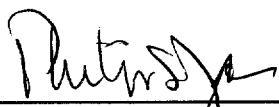
Respectfully submitted,

Rod J. Rosenstein
United States Attorney


Philip S. Jackson
Assistant United States Attorney
36 S. Charles Street
Fourth Floor
Baltimore, Maryland 21201
Telephone (410) 209-4800

VERIFICATION

I, Philip S. Jackson, declare under penalty of perjury as provided by 28 U.S.C. §1746, that the foregoing Complaint for Forfeiture in rem is based on reports and information furnished to me by the Harford County Police Department and the Drug Enforcement Administration and that everything contained therein is true and correct to the best of my knowledge and belief.



Philip S. Jackson
Assistant United States Attorney



U. S. Department of Justice
Drug Enforcement Administration
Washington Division Office
Asset Removal Group
800 K Street, N.W., Suite 500
Washington, DC 20001

DECLARATION

I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO TITLE 28 U.S.C. 1746 THAT THE FACTS SUBMITTED BY THE **BALTIMORE COUNTY POLICE DEPARTMENT**, IN REFERENCE TO **GD-07-0097/07-DEA-478768, \$20,000.00 U.S. CURRENCY** FROM SEIZED **JENNIFER EMILY CAFFREY** ARE ACCURATE, TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.


Maria Pena, Task Force Officer
Washington Division Office
Drug Enforcement Administration

4/10/07
Date

Attachments

SEARCH AND SEIZURE WARRANT**STATE OF MARYLAND****HARFORD COUNTY****TO: Detective Sean Marston, or any other Police Officer.****GREETINGS:**

Whereas it appears to me, the subscriber,

Mini Rafter/Cooper

Judge of the District Court for Harford County, State of Maryland, by written information of the affiant, hereinafter named, that there is probable cause that a crime is being committed, and that the laws relating to the illegal Manufacturing, Distribution, Possession with Intent to Distribute controlled dangerous substances and Possession of controlled dangerous substances, as defined in Criminal Law Article Sections 5-101, 5-601, 5-602, 5-605 and 5-619, dealing generally with controlled dangerous substances, including narcotics, hallucinogenic and dangerous drugs, are being violated in and upon a certain premise known as:

26 Stockmill Road, Apt. D, Pikesville, Baltimore County, Maryland 21208 and are being violated by William Frederick Koester, described as a white male, 05'07", 130lbs with a date of birth of 01/11/1983, and Jennifer Emily Caffrey, described as a white female, 05'07", 145lbs with a date of birth of 07/05/1983.

Said premise is described as a three story apartment building. The front of the building is of red brick. There is a blue awning over the front entrance door that has the number "26" affixed and centered on same. The entrance door to the apartment building is glass. The interior apartment door is light tan in color. The letter "D" is affixed to this door. Apartment "D" is on the first floor.

Furthermore, said premise is known to, and can be identified by your affiant.

The name of your affiant is Detective Sean Marston, of the Harford County Sheriff's Office, currently assigned to the Harford County Task Force.

The grounds for the search warrant and the basis for probable cause are set forth in the Application and Affidavit which is attached hereto and made part of the Search and Seizure.

Now therefore, pursuant to the provisions of Criminal Law Article Sections 1-203 of the Maryland Criminal Laws Annotated, 2003 edition, as amended or revised, you are hereby commanded, with the necessary and proper assistance to:

A: Enter and search the person(s) and premises and any and all outbuildings completely described above;

B: Search the person(s) and clothing of all persons found in or upon said premises or outbuildings who may be participating in violations of the statutes herein before cited;

C: Open and search any and all safes, boxes, bags, compartments or things in the nature thereof found in or upon said premises or person(s) and any and all outbuildings;

D: Seize all evidence, paraphernalia and money used in or incidental to the conduct or operation of controlled dangerous substance violations, found in or upon said premise, outbuildings and person(s) in close proximity to contraband, controlled dangerous substances or controlled dangerous substance paraphernalia;

E: Seize and examine by persons qualified to conduct said examinations and in a laboratory setting any and all electronic data processing and storage devices, computers systems, including central processing units and peripheral storage devices such as fixed discs, external hard discs, floppy disc drives and diskettes, tape drives and tapes, optical storage devices, optical readers and



scanning devices, CD ROM drives and Compact Discs (CD) and related hardware, operating logs, software and operating instructions or operating manuals, software and programs used to communicate with other terminals via telephone or other means and any computers, modems, monitors and printers which may contain evidence related to controlled dangerous substance violations and answering machine and answering machine tapes;

F: Seize articles of personal property tending to establish or corroborate the identity of the person or persons in control of the premises consisting of and including, but not limited to, utility company receipts, rent receipts, canceled mail, motor vehicle information and keys;

G: Seize any and all assets or property reasonably believed to be the proceeds or income derived from violations of the controlled dangerous substances laws;

H: Arrest all person(s) found in or upon said premise and/or outbuildings who may be participating in violations of the statutes herein before cited, and;

I: Bring said person(s), evidence and paraphernalia before me, the subscriber or some other Judicial Officer of the State in and for the County aforesaid, to be dealt with and disposed of according to law;

HEREOF, fail not at your peril and have you then and there this warrant.

GIVEN UNDER MY HAND THIS 26th DAY OF DECEMBER 2006,

At 9:30 AM PM


JUDGE

APPLICATION AND AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

TO: The Honorable

Mimi Rafter/Cooper

Judge

of the District Court for Harford County, State of Maryland.

APPLICATION is herewith made for Search and Seizure Warrant in that there is probable cause to believe the laws relating to the illegal Manufacturing, Distribution, Possession with intent to Distribute and Possession of controlled dangerous substances as defined in Criminal Law Article Sections 5-101, 5-601, 5-602, 5-605 and 5-619, dealing generally with controlled dangerous substances, including narcotics, hallucinogenic and dangerous drugs, are being violated in and upon a certain premise known as: **26 Stockmill Road, Apt. D, Pikesville, Baltimore County, Maryland 21208** and are being violated by **William Frederick Koester, described as a white male, 05'07", 130lbs with a date of birth of 01/11/1983, and Jennifer Emily Caffrey, described as a white female, 05'07", 145lbs with a date of birth of 07/05/1983.**

Said premise is described as a three story apartment building. The front of the building is of red brick. There is a blue awning over the front entrance door that has the number "26" affixed and centered on same. The entrance door to the apartment building is glass. The interior apartment door is light tan in color. The letter "D" is affixed to this door. Apartment "D" is on the first floor. Furthermore, said premise is known to, and can be identified by your affiant.

The name of your affiant is Detective Sean Marston of the Harford County Sheriff's Office, currently assigned to the Harford County Task Force.

In support of this Application and Affidavit and the basis for probable cause your affiant deposes and says:

On Saturday, December 30th 2006 at approximately 1838hrs, Dfc Young and Dfc Jackson of the Harford County Sheriff's Office Community Response Team (CART), along with Dfc. Mothershed of the Harford County Sheriff's Office K-9 unit, conducted a probable cause traffic stop of Maryland Registration GCX595. The traffic stop was conducted on Maryland Route 152 south bound, just south of Harford Road, Harford County, Maryland. The operator of the vehicle was identified as William Frederick Koester, a white male with a date of birth of 01/11/1983. A scan of the vehicle was conducted utilizing Dfc Mothershed's drug detecting K-9. The scan of the vehicle indicated a positive alert for the presence of CDS within the vehicle.

During the subsequent search of the vehicle, Dfc. Young and Dfc. Jackson searched the trunk of the vehicle. During the search of the trunk, a Fed Ex box was located. Within this Fed Ex box, approximately five pounds of marijuana were located.

A portion of the marijuana was field tested using a narco pouch 909 field test kit for THC/Marijuana. The test indicated a positive reaction for the presence of THC/Marijuana.

During the search of Koester's person, \$3031.00 in United States Currency was located. The majority of the currency was pre-sorted into bundles. The first bundle contained \$2,000.00 US Currency and was wrapped with a rubber band. The second bundle contained \$1,006.00 and was contained in a money clip. The remaining \$25.00 was in loose one dollar bills in Koester's wallet. Your affiant knows that this is a common method that drug dealers use to sort and transport their money. Furthermore, drug dealers often sort their money into bundles of \$1,000.00 increments.



Your affiant knows from his training, knowledge and experience as a police officer and narcotics investigator that the amount of marijuana located in the trunk of Koester's vehicle, along with the \$3,031.00 in US Currency is indicative of possession with intent to distribute the marijuana.

Koester was transported to the Harford County Sheriff's Office Northern Precinct. Corporal Parrish of the Harford County Sheriff's Office conducted an interview of Koester. During the post Miranda interview, Koester advised he resides at 26 Stockmill Road, Apt. D, Pikesville, Baltimore County, Maryland 21208. Koester advised anything within the residence is his, and did not want to involve his girlfriend, Jennifer Caffrey, who is currently in law school.

Your affiant caused a check to be made of William Koester through the Maryland Motor Vehicle Administration and discovered William Frederick Koester, described as a white male, 05'07", 130lbs with a date of birth of 01/11/1983 and a listed address of 2925 Alconbury Court, Abingdon, Harford County, Maryland 21009.

Your affiant caused a check to be made of William Frederick Koester with a date of birth of 01/11/1983 for a past criminal history and discovered the following arrests:

<u>Date</u>	<u>Charge</u>	<u>Agency</u>
11/23/2001	CDS Poss W/ Int to Dist	Harford Co. Sheriff's Office
	CDS: Possession - Marijuana	
	CDS: Poss Paraphernalia	

Your affiant caused a check to be made of Jennifer Caffrey through the Maryland Motor Vehicle Administration and discovered Jennifer Emily Caffrey, described as a white female, 05'07", 145lbs, with a date of birth of 07/05/1983 and a listed address of 26 Stockmill



Road, Apt. D, Pikesville, Baltimore County, Maryland 21208

Your affiant caused a check to be made of Jennifer Caffrey with a date of birth of 07/05/1983 through the NCIC and CJIS databases for a past criminal history and discovered no past arrests.

Your affiant caused a check to be made of 26 Stockmill Road, Apt. D, Pikesville, Baltimore County, Maryland 21208 through BG&E and discovered that Jennifer Caffrey has had service since 01/24/2006.

Your affiant knows from his training, knowledge and experience as a police officer and a narcotics investigator that drug dealers will normally not carry/transport their full amount of CDS with them. The drug dealer will only carry the portion of the CDS with them that he/she intends to distribute during a time frame, leaving the remaining CDS at his/her residence. Your affiant knows that drug dealers will have other evidence of their illegal business at their residence, to include but not limited to paraphernalia, US currency, "O" sheets, packaging material and digital scales.

Your affiant, Detective Sean Marston has been a member of the Harford County Sheriff's Office for over seven years. Your affiant successfully completed the six month mandated Harford County Sheriff's Office Training Academy. During that course of instruction your affiant received specialized training in the identification and investigation of controlled dangerous substances violations. After successfully completing the Training Academy your affiant was assigned to the Criminal Patrol Division from June 1998 thru May 2004, during which time he made or was involved in over two hundred arrests for violations of controlled dangerous substances to include but not limited to crack cocaine, powder cocaine, heroin, MDMA, marijuana, steroids and LSD. Your



affiant is currently assigned to the Harford County Task Force, and has actively participated in or conducted hundreds of narcotics investigations. Your affiant has authored and/or participated in numerous Search and Seizure warrants for violations of the laws pertaining to controlled dangerous substances where illegal drugs were seized and persons charged with CDS violations. Your affiant has been the affiant of four wiretap investigations pertaining to drugs. Your affiant has conducted drug investigations that have led to indoor and outdoor marijuana grows. Your affiant has attended the Highway Criminal Interdiction School hosted by the Maryland State Police, Drugged Driver program instructed by the Baltimore County Police Department, The Top Gun Narcotics Investigators School and the MAGLOCLIN Drug Sharing Information Conference. Your affiant has been trained as an aerial spotter by the Maryland State Police and the Department of Agriculture for spotting marijuana plants by air. Your affiant has been instructed in drug terminology, methods of ingestion, concealment, packaging, and prices.

Your affiant knows from his training, knowledge and experience that organized drug dealers maintain books, records, receipts, notes, ledgers, money orders, and other papers relating to the transportation, ordering, sale and distribution of controlled dangerous substances.

Your affiant avers that in the course of his training, knowledge, and experience in the investigation of controlled dangerous substances violations, your affiant has found that persons involved in the manufacture and distribution of controlled dangerous substances are often involved in the distribution of other controlled dangerous substances which is a regenerative activity, that is a portion of the proceeds from the sale of controlled dangerous substances is used to buy more for resale.



Further, your affiant avers that, through his training, knowledge, and experience he has learned that it is common practice for persons involved in drug trafficking, to take items in the place of cash for drugs. These items may include, but not limited to, weapons, audio/visual equipment, appliances, and motor vehicles.

Your affiant avers that based on the totality of the circumstances and your affiant's training, knowledge and experience acquired during the aforementioned schools and investigations, the probable cause traffic stop conducted on Koester, the subsequent positive K-9 scan of the vehicle, the fact that Koester had approximately five pounds of marijuana in his possession, the positive field test of the marijuana, the fact that Koester was in possession of \$3,031.00 US Currency, the past criminal history of Koester for felony and misdemeanor marijuana drug charges, the records checks conducted, and the post Miranda statements made by Koester concerning his residence, that there is probable cause to believe and your affiant does believe, that the laws relating to the manufacturing , sale, possession and/or possession with intent to distribute controlled dangerous substances, as herein before cited are being violated in and upon the premise herein before described as:

26 Stockmill Road, Apt. D, Pikesville, Baltimore County, Maryland 21208 and are being violated by William Frederick Koester, described as a white male, 05'07", 130lbs with a date of birth of 01/11/1983, and Jennifer Emily Caffrey, described as a white female, 05'07", 145lbs with a date of birth of 07/05/1983.

Now, therefore, pursuant to the provisions of Criminal Law Article Sections 1-203, your affiant prays that a search and seizure warrant be issued authorizing him, with the necessary and



proper assistance to:

A: Enter and search the person (s) and premises and any and all outbuildings completely described above;

B: Search the person(s) and clothing of any and all persons found in or upon said premises or outbuildings who may be participating in violations of the statutes herein before cited;

C: Open and search any and all safes, boxes, bags, compartments or things in the nature thereof found in or upon said premises or person(s) and any and all outbuildings;

D: Seize all evidence, paraphernalia and money used in, or incidental to, the conduct or operation of controlled dangerous substances violations, found in or upon said premise, outbuildings and person(s) in close proximity to contraband, controlled dangerous substances or controlled dangerous substance paraphernalia;

E: Seize and examine by persons qualified to conduct said examinations and in a laboratory setting any and all electronic data processing and storage devices, computers and computers systems, including central processing units and peripheral storage devices such as fixed discs, external hard discs, floppy disc drives and diskettes, tape drives and tapes, optical storage devices, optical readers and scanning devices, CD ROM drives and Compact Discs (CD) and related hardware, operating logs, software and operating instructions or operating manuals, software and programs used to communicate with other terminals via telephone or other means and any computers modems, monitors and printers which may contain evidence related to controlled dangerous substance violations and answering machine and answering machine tapes;

F: Seize articles of personal property tending to establish or corroborate the identity of the person or persons in control of the premises and/or outbuildings consisting of and including, but not limited

to, utility company receipts, rent receipts, canceled mail, motor vehicle information and keys;

G: Seize any and all assets or property reasonably believed to be the proceeds or income derived from violations of the controlled dangerous substances laws;

H: Arrest all person(s) found in or upon said premise and/or outbuildings who may be participating in violations of the statutes herein before cited, and;

I: Bring said person(s), evidence and paraphernalia before me, the subscriber or some other Judicial Officer of the State in and for the County aforesaid, to be dealt with and disposed of according to law;

SUBSCRIBED AND SWORN TO, this 26th day of December, 2006 at

9:30 AM PM


Detective Sean Marston ID# 506

BEFORE Me, A District Court Judge of the State of Maryland, in and for Harford County, this 26th day of December, 2006 personally appeared Detective Sean Marston, personally known to me or properly identified, and made oath that the contents of the foregoing application and affidavit are true and correct.


JUDGE

DATE: June 14, 2007

TO: Kristine Cupp
USMS

FROM: Naquita C. Ervin
Paralegal Specialist

RE: **U.S. v. \$20,000.00 U.S. CURRENCY**
Civil Action No.

CATS ID: 07-DEA-478768 - GD-07-0097

The United States has filed a forfeiture action against **\$20,000.00 U.S. CURRENCY**. A copy of the Complaint for Forfeiture is attached.

Also attached is a Notice of Seizure for publication in the Baltimore Sun, or a newspaper of general circulation in Baltimore, Maryland, where the property was seized, pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

ONE PUBLICATION IS SUFFICIENT.

Please insert the date of the U.S. Marshal arrest in the Notice and advise me of the date(s) of publication.

Thank you.

Attachment

NOTICE OF SEIZURE

NOTICE IS HEREBY GIVEN that by virtue of Warrant for Arrest in Rem, issued by the U.S. District Court for the District of Maryland, in an action entitled, **U.S. v. \$20,000.00 U.S. CURRENCY**, United States Marshal Service for the District of Maryland, arrested on _____, said property described under **Civil Docket No.** _____ and filed with the Clerk of the Court for the District of Maryland for violation of 21 U.S.C. § 841, which action requests that the said property be seized for condemnation and requests such costs and disbursements as decreed by the Court. Any person who is entitled to possession, or claiming an interest in or to said property, pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, and the Federal Rules of Civil Procedure, and within 30 days after publication must file a claim with the Clerk of the Court, U.S. District Court for the District of Maryland, and make service upon the attorney for the plaintiff, and must serve their answers within 20 days after the filing of their claims. All interested persons should file claims and answers within the time so fixed, or be defaulted and said property be condemned and forfeited to the use of the United States of America. Philip S. Jackson, Assistant United States Attorney, 36 S. Charles Street, Fourth floor, Baltimore, Maryland 21201, attorney for plaintiff.

U.S. Department of Justice
United States Marshals Service

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PROCESS RECEIPT AND RETURN

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER
DEFENDANT \$20,000.00 U.S. Currency	TYPE OF PROCESS Verified Complaint in Rem

SERVE
↓
AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
07-DEA-478768 - GD-07-0097

ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served
with this Form - 285

Naquita C. Ervin, Paralegal Specialist
U.S. Attorney's Office
36 S. Charles Street, 4th floor
Baltimore, Maryland 21201

Number of parties to be served
in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

Arrest property and insert date into Notice of Forfeiture Action that will be published. Fill in the date of arrest in this process receipt and return our copy.

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

410-209-4800

DATE
6/14/07

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total
number of process indicated.
(Sign only first USM 285 if more than
one USM 285 is submitted)

Total Process

No. _____

District of Origin

No. _____

District to Serve

No. _____

Signature of Authorized USMS Deputy or Clerk

Date

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (If not shown above).

☐ A person of suitable age and discretion then residing
in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

Time

am

pm

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges
(including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount Owed to US Marshal or

Amount or Refund

REMARKS: